

# United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/804,490	03/18/2004	Huang Hua-Nan	DF-04800	7633	
7590 07/01/2005 Haverstock & Owens, LLP 162 North Wolfe Road			EXAMINER NGO, HUYEN LE		
					Sunnyvale, CA
			2871		
			DATE MAILED: 07/01/2009	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)					
Section   Period for Reply   A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM		10/804,490	HUA-NAN ET AL.					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extractors of the many be evaluate inder the proteins of 3° CFR 1.13(6). In or evert, however, may a neply be timely filed  If the period for reply specified above is sets than thirty (00) days, a reply within the statebury minimum of thinty (03) days with be considered freely.  If the period for reply specified above is sets than thirty (00) days, a reply within the statebury minimum of thinty (03) days with be considered freely.  If the period for reply specified above is sets than thirty (00) days, a reply within the statebury minimum of thinty (03) days with be considered freely.  If the period for reply specified above is sets than thirty (00) days, a reply with the statebury minimum of thinty (03) days with be considered freely.  If the period for reply specified above is sets than thirty (00) days, a reply with the statebury minimum of thinty (03) days with be considered freely.  If the period for reply specified above is sets than thirty (00) days, a reply with the statebury minimum of thinty (03) days with be considered freely.  If the period for reply specified door, the maximum of thinty (03) days with be considered freely.  If the period for reply specified door, the maximum of thinty (03) days with be considered freely.  If the period for reply specified above is sets than thirty (00) days, a reply with the considered freely.  If the period for reply specified above is sets than thirty (00) days and with the consideration and the sets of the sets of the sets of the construction of the sets of	Office Action Summary	Examiner	Art Unit					
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the period for reply specified above is less than thirty (30) days, a reply within the statubory pretium for the reply as position above, the maximus authory period will apply and will see pick (6) (MORTNS from emilling date of this communication.  Ally reply received by the Office later than three motilits after the milling date of this communication, even if the protection of the centre place them adjustment. See 37 CFR 1704(b).  Status  1)	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>1</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed							
1) Responsive to communication(s) filed on	<ul> <li>If the period for reply specified above is less than thirty (30) days, a reply</li> <li>If NO period for reply is specified above, the maximum statutory period w</li> <li>Failure to reply within the set or extended period for reply will, by statute,</li> <li>Any reply received by the Office later than three months after the mailing</li> </ul>	vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	the mailing date of this communication.  D (35 U.S.C. § 133).					
2a  This action is FINAL.   2b  This action is non-final.   3  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.	Status							
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## **DETAILED ACTION**

#### Election/Restrictions

This application contains embodiments directed to the following patentably distinct species of the claimed invention:

- A. First embodiment according to Fig. 3.
- B. Second embodiment according to Fig. 4.
- C. Third embodiment according to Fig. 5.
- D. Fourth embodiment according to Fig. 6.
- E. Fifth embodiment according to Fig. 7.
- F. Sixth embodiment according to Fig. 8.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there is no generic claim.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and <u>a listing of all claims</u> and any drawings readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1:141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

### Conclusion

Since an election to the restriction is required, a SHORTENED STATUTORY

PERIOD for response to this action is set to expire ONE (1) MONTH or THIRTY (30)

DAYS, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned.

(35 U.S.C. §133). Extension of time may be obtained under the provisions of 37 CFR 1.136(a).

# **Contact Information**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Julie-Huyen L. Ngo whose telephone number is (571) 272-2295. The Examiner can normally be reached on T-Friday.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Robert H. Kim can be reached at (571) 272-2293.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.

June 29, 2005

Julie -Huyen L. Ngo Primary Examiner Art Unit 2871